IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
JAIPUR BENCH, JAIPUR

J U D G M E N T

S.B. Civil Misc. Appeal No.709/1997
Prabhu Dayal & Ors. Vs. Shakoor Mohd. & Ors.

Date of Judgment :: 14th September, 2006

Hon'ble Mr. Justice G.S. Sarraf

Mr. Ram Singh Rathore for appellants.
Mr. P.S. Shukla for United India Insurance Co. Ltd.

The claimants-appellants have filed this appeal under Section 173 of the Motor Vehicles Act against the judgment / award dated 5.3.1997 of the Motor Accident Claims Tribunal, Jaipur District, Jaipur.

After hearing the parties the learned Tribunal passed an award of Rs.96,000/- in favour of the claimants-appellants for the death of Rajesh in an accident on 18.9.91. Appellants nos. 3 and 4 are the parents of the deceased Rajesh. Aggrieved by this judgment / award the claimants-appellants have filed this appeal.

The short controversy involved in this case is that whether the compensation awarded by

the learned Tribunal is fair and adequate.

I have heard the learned counsels Mr. Ram Singh on behalf of the appellants and Mr. P.S. Shukla for United India Insurance Company Limited, Jaipur.

In my view as the deceased Rajesh was aged about 15 years and earned money by making and selling churis it is obvious that, had he survived, he would have earned a substantial amount per month for the benefit of the family and as such the compensation of Rs.96,000/- appears to be inadequate. Even taking a reasonable view of the amount which the deceased would have earned had he survived and considering the future economic prospects of the deceased I deem it fit and appropriate to increase the award amount to a lump sum amount of Rs.1,50,000/-. Thus the claimants-appellants are entitled to compensation to the tune of Rs.1,50,000/-.

The appeal of the claimants-appellants is, therefore, allowed at the admission stage to the extent stated above and the amount of compensation is increased from Rs.96,000/- to

Rs.1,50,000/-. The claimants-appellants will be entitled to interest at the rate of 6% per annum from the date of the award of the learned Tribunal to the date of deposit/realisation on the enhanced amount. If the aforesaid amount is not paid or deposited within a period of three months then the respondents will have to pay interest at the rate of 12% per annum. The learned Tribunal shall deposit 50% of the enhanced amount and interest in the name of the claimant-appellant no.3 Sita Ram and the rest 50% in the name of the claimant-appellant no.4 Smt. Vimla by way of F.D. in a nationalised bank for a period of 5 years. The claimants-appellants will get the interest quarterly but no advance of any kind or premature encashment shall be permitted in respect of the said amount. No order as to costs.

(G.S. Sarraf),J.

RS/